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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,277	12/07/1998	DANY SYLVAIN	7000-275	5285

27820 7590 05/24/2004

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CARY, NC 27512

EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 05/24/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/206,277

Applicant(s)

SYLVAIN ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 21-58.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

**JOHN PEZZLO****PRIMARY EXAMINER**

Art Unit: 2662

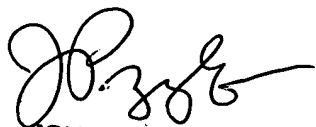
Continuation of 5:

Applicant argues, "Low fails to either expressly or inherently disclose a telephony switch comprising a switching fabric, a first interface for connecting the switching fabric to a packet fabric, and the claimed computing module".

Examiner respectfully disagrees with Applicant assertion. Low discloses a switched telecommunications system. As used in the reference, the term "switched telecommunication system" means a system comprising a bearer network with **switches** for setting up a bearer channel through the **network** (such as existing public and private telephone system and broadband (ATM, Internet) and other switch based bearer networks) (column 1, lines 5-33). Further, Low, in Fig. 14, clearly shows that call is established through Internet (66) (user A's terminal 53 (a computing module) is used to establish call through Internet).

In response to Applicant's argument that "Low fails to disclose at least a telephony switch including a computing module capable of establishing calls through a switching fabric, a packet fabric, and the switching fabric and the packet fabric", the Examiner respectfully disagrees. As in Figs. 13-17 shown, server 51 is accessible over the Internet 50 is browsing the Web). Fig. 14 illustrates that call is established through Internet (66) or through PSTN (60). Fig. 15 shows that call is established through the Internet and the PSTN. Therefore, Low clearly discloses establishing a call through a switching fabric, a packet fabric and the switching fabric and the packet fabric as stated above.

Examiner believes that the claims, given their broad reasonable interpretation, read on the reference.


JOHN PEZZLO
PRIMARY EXAMINER